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6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **WESTERN DIVISION**

10 LATRENA COOPER,)
11 Plaintiff,) PLAINTIFF'S COMPLAINT AND
12 - vs -) DEMAND FOR JURY TRIAL
13 GC SERVICES, LP,)
14 Defendant.)

15 NOW COMES Plaintiff, LATRENA COOPER ("Plaintiff"), through her attorneys,
16 hereby alleges the following against Defendant, GC SERVICES, LP ("Defendant"):

17 **Nature of the Action**

18 1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15
19 U.S.C. § 1692 *et seq.* ("FDCPA"); and
20 2. The Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 *et seq.*
(RFDCPA).

21 **Parties**

22 3. Plaintiff is a natural person residing, in the city of Long Beach, County of Los Angeles,
23 California and is otherwise *sui juris*.
24 4. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. §
25 1692a(3).

- 1 5. Defendant is a Limited Partnership conducting business in the state of California, and
- 2 has its principal place of business in Houston, TX.
- 3 6. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a
- 4 consumer debt from Plaintiff.
- 5 7. Defendant acted through its agents, employees, officers, members, directors, heirs,
- 6 successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

- 7 8. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such
- 9 actions may be brought and heard before “any appropriate United States district court
- 10 without regard to the amount in controversy.”
- 11 9. Because Defendant conducts business in California, personal jurisdiction is established.
- 12 10. Venue is proper in the United States District Court Central District of California
- 13 pursuant to 28 U.S.C § 1331(b) because Plaintiff resides within this District and a
- 14 substantial part of the events or omissions giving rise to the herein claims occurred, or a
- 15 substantial part of property that is the subject of the action is situated within this District.

Factual Allegations

- 16 11. On or around August 2, 2017, Defendant placed a collection call to Plaintiff seeking and
- 17 demanding payment for an alleged consumer debt.
- 18 12. Plaintiff’s alleged debt arises from transactions for personal, family, and household
- 19 purposes.
- 20 13. Defendant called Plaintiff’s telephone number at (562) 277-70XX.
- 21 14. On or around August 2, 2017, Defendant left a voicemail message on Plaintiff’s
- 22 answering machine.
- 23 15. In the voicemail message, Defendant failed to meaningfully disclose the company’s
- 24 name or the nature of the call or state that the call was from a debt collector.
- 25 16. In the voicemail message, Defendant directed Plaintiff to call back telephone number
- (800) 691-3307, which is a number that belongs to Defendant.

1 17. In the voicemail message, Defendant failed to disclose the purpose of his call was to
2 collect a debt allegedly owed by Plaintiff.
3 18. Defendant is using false, deceptive and misleading means in connection with attempting
4 to collect a debt by not identifying the purpose of its phone calls or that they are an
5 attempt to collect a debt.

6 **FIRST CAUSE OF ACTION**

7 **DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.**

8 19. Plaintiff repeats and incorporates by reference into this cause of action the allegations set
forth above at Paragraphs 1-18.
9 20. Defendant's violations of the FDCPA include, but are not limited to, the following:
10 a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the
11 natural result is the abuse and harassment of the Plaintiff;
12 b. Defendant violated §1692(d)(6) of the FDCPA by placing a telephone call without
13 disclosing his/her identity;
14 c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or
15 misleading representation or means in connection with the debt collection; and
16 d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the
17 warning: This is an attempt to collect a debt... communication is from a debt
18 collector.

19 **SECOND CAUSE OF ACTION**

20 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**

21 **PRACTICES ACT**

22 **CA CIV CODE § 1788 et seq.**

23 21. Plaintiff repeats and incorporates by reference into this cause of action the allegations
set forth above at Paragraphs 1-20.
24 22. Defendant's violations of the RFDCPA include, but are not limited to, the following:
25

- 1 a. Defendant violated §1788.11(b) by placing a telephone call without disclosing his/her
2 identity.
- 3 b. Defendant violated §1788.17 by failing to comply with the statutory regulations
4 contained within the FDCPA, 15 U.S.C. § 1692 *et seq.*

5 **PRAYER FOR RELIEF**

6 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

7 **FIRST CAUSE OF ACTION**

- 8 23. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- 9 24. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- 10 25. Awarding such other and further relief as may be just, proper and equitable.

11 **SECOND CAUSE OF ACTION**

- 12 26. Declaratory judgment that Defendant's conduct violated the Rosenthal Fair Debt
Collection Practices Act.
- 13 27. Statutory damages of \$1000.00 pursuant to Cal. Civ. Code §1788.30(b);
- 14 28. Reasonable attorneys' fees, costs pursuant to the Rosenthal Fair Debt Collection Practices
Act, Cal. Civ. Code § 1788.30(c), and
- 15 29. Actual damages and compensatory damages according to proof at time of trial.

16 **JURY TRIAL DEMAND**

17 30. Plaintiff demands a jury trial on all issues so triable.

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19 RESPECTFULLY SUBMITTED,

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21 Dated: August 13, 2018

22 By: /s/ Alyson J. Dykes
Alyson J. Dykes
23 Attorney for Plaintiff